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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 LAUSTEVEION JOHNSON,

7 Plaintiff

Case No. 3:19-cv-00278-MMD-WGC

DISMISSAL ORDER

8 v.

9 LOVELOCK CORRECTIONAL
10 CENTER, *et al.*,

11 Defendants

12 This action began with a pro se civil rights complaint filed under 42 U.S.C. § 1983
13 by a state prisoner. On February 26, 2020, this Court issued an order directing Plaintiff to
14 file his updated address with this Court within 30 days. (ECF No. 5 at 1.) The 30-day
15 period has now expired, and Plaintiff has not filed his updated address or otherwise
16 responded to the Court's order.

17 District courts have the inherent power to control their dockets and "[i]n the
18 exercise of that power, they may impose sanctions including, where appropriate . . .
19 dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831
20 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure
21 to prosecute an action, failure to obey a court order, or failure to comply with local rules.
22 See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (affirming dismissal for
23 noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
24 (affirming dismissal for failure to comply with an order requiring amendment of complaint);
25 *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (affirming dismissal for failure to
26 comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone*
27 *v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987) (affirming dismissal for failure to
28 comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)

1 (affirming dismissal for lack of prosecution and failure to comply with local rules).

2 In determining whether to dismiss an action for lack of prosecution, failure to obey
3 a court order, or failure to comply with local rules, the court must consider several factors:
4 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to
5 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
6 disposition of cases on their merits; and (5) the availability of less drastic alternatives.
7 See *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at
8 130; *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

9 Here, the Court finds that the first two factors weigh in favor of dismissal. The third
10 factor, risk of prejudice to Defendants, also weighs in favor of dismissal since a
11 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading
12 ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542 F.2d 522,
13 524 (9th Cir. 1976). The fourth factor—public policy favoring disposition of cases on their
14 merits—is greatly outweighed by the factors in favor of dismissal discussed herein.
15 Finally, a court's warning to a party that his failure to obey the court's order will result in
16 dismissal satisfies the "consideration of alternatives" requirement. *Ferdik*, 963 F.2d at
17 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424. The Court's order
18 requiring Plaintiff to file his updated address with the Court within 30 days expressly
19 stated: "IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order,
20 the Court shall dismiss this case without prejudice." (ECF No. 5 at 1.) Thus, Plaintiff had
21 adequate warning that dismissal would result from his noncompliance with the Court's
22 order to file his updated address 30 days.

23 It is therefore ordered that this action is dismissed without prejudice based on
24 Plaintiff's failure to file an updated address in compliance with this Court's February 26,
25 2020 order.

26 It is further ordered that Plaintiff's application for leave to proceed *in forma pauperis*
27 (ECF No. 1) is denied as moot.

28 It is further ordered that Plaintiff's motion requesting screening (ECF No. 4) is

1 denied as moot.

2 It is further ordered that the Clerk of the Court will enter judgment accordingly and
3 close this case.

4 DATED THIS 13th day of April 2020.

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7 MIRANDA M. DU
8 CHIEF UNITED STATES DISTRICT JUDGE
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